

Application granted. The Clerk of Court is respectfully directed to substitute the Defendant and amend the caption as requested. The Clerk shall also terminate ECF No. 60.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SO ORDERED.


CATHY SEIBEL, U.S.D.J.

6/18/25

-----X
THOMAS BARKER

Case No.: 23-cv-8352

Plaintiff,

NOTICE OF MOTION

-against-

GARY P. DOYLE,

Defendant.

-----X

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law dated June 4, 2025, the Affirmation of Rudyard F. Whyte, Esq., dated June XX, 2025 and the exhibits annexed thereto, and upon all the papers and proceedings had herein, Plaintiff will move this Court, at the United States District Court for the Southern District of New York, located at 300 Quarropas Street White Plains, NY 10601, at a date and time to be determined by the Court for an Order

1. Pursuant to Fed. R. Civ. P. 25(a) substituting “Christopher M. Doyle, as Administrator of the Estate of Gary P. Doyle” as Defendant in place of now-deceased Defendant Gary P. Doyle; and
2. Amending the Caption of this matter to appear as follows;

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THOMAS BARKER

Plaintiff,

-against-

CHRISTOPHER M. DOYLE as Administrator of the
Estate of GARY P. DOYLE,

Defendant.

-----X

; and

3. Granting such other and further relief that the Court may deem to be just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, must be served upon the undersigned in accordance with the local rules of the United States District Court for the Southern District of New York.

Dated: June 16, 2025
New York, NY

Respectfully submitted,

/s/ Rudyard F. Whyte
Rudyard F. Whyte, Esq.
The Cochran Firm
55 Broadway, 23rd Floor
New York, NY 10006
T: (212) 553-9215
F: (212) 227-8763
rwhyte@cochranfirmny.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

THOMAS BARKER,

Plaintiff,

Case No. 23:cv-8352

-against-

GARY P. DOYLE,

Defendants.

DECLARATION OF
RUDYARD F. WHYTE, ESQ.

-----X

Rudyard F. Whyte, Esq., an attorney duly licensed to practice law before the courts of the State of New York, pursuant to 28 U.S. Code § 1746, hereby declares the following under penalty of perjury:

1. I am a partner of The Cochran Firm, counsel for Plaintiff in the above-captioned action. As such, I am fully familiar with the matters set forth herein, except for those matters stated upon information and belief, where with respect to such matters, I believe them to be true.

2. I submit this Affirmation in support of Plaintiff's Motion to Substitute Parties following the death of Gary P. Doyle.

3. The purpose of this Affirmation is to submit the following exhibits relevant to the Court's determination of the instant matter:

EXHIBIT 1 February 13, 2025, Email from Eva Galchenko, Esq. to Rudyard F. Whyte, Esq.

EXHIBIT 2 June 16, 2025, Email from Evan Solomon to Joseph Carcagno, Esq. with attachment and response.

EXHIBIT 3 Letters of Administration for Christopher M. Doyle, dated May 13, 2025.

4. Wherefore, for the foregoing reasons, Plaintiffs respectfully pray for an order substituting Christopher M. Doyle, as Administrator of the Estate of Gary P. Doyle, as the named

Defendant in this matter, amending the caption as proposed, and granting such other and further relief as the Court deems to be just and proper.

Dated: June 16, 2025
New York, NY

Respectfully submitted,

/s/ Rudyard F. Whyte,
Rudyard F. Whyte, Esq.
The Cochran Firm
55 Broadway, 23rd Floor
New York, NY 10006
T: (212) 553-9215
F: (212) 227-8763
E: rwhyte@cochranfirmny.com

Evan Solomon

From: Eva Galchenko <eva.galchenko@lawbbh.com>
Sent: Thursday, February 13, 2025 4:29 PM
To: Rudyard Whyte; Evan Solomon
Cc: Anthony DuBartell; Stephanie Moreno
Subject: RE: Barker v. Doyle

Mr. Whyte,

I just received a text message from the Defendant's brother informing me that Mr. Doyle passed away last week. I do not have the exact date or any other details regarding the estate, and I did not inquire further out of respect for the family at this time.

I will be notifying the Judge today regarding Mr. Doyle's passing, but I wanted to inform you first.

Best,

Eva Galchenko, Esq.
Brooks & Berne, PLLC
Attorneys at Law
Partner
Phone: 914-364-2691
Direct: 929-218-0235
Mobile: 832-287-6133
Fax: 914-292-7616
Email: eva.galchenko@lawbbh.com
Web: www.lawbbh.com



NAMWOLF
LAW FIRM MEMBER

570 Taxter Road, Suite 550, Elmsford, NY 10523 | 165 Broadway, 23rd Floor, New York, NY 10006 | 425 Eagle Rock Avenue,
Suite 402, Roseland, NJ 07068 | 625 Broad Street, Suite 240, Newark, NJ 07102 | 555 Northpoint Center East 4th Floor, Alpharetta,
GA 30022.

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From: Eva Galchenko
Sent: Thursday, February 13, 2025 9:54 AM
To: Rudyard Whyte <rwhyte@cochranfirmny.com>; Evan Solomon <esolomon@cochranfirmny.com>
Cc: Anthony DuBartell <anthony.dubartell@lawbbh.com>; Stephanie Moreno <stephanie.moreno@lawbbh.com>
Subject: RE: Barker v. Doyle

Good morning Mr. Whyte,

Evan Solomon

From: Evan Solomon
Sent: Monday, June 16, 2025 3:05 PM
To: 'Joseph.Carcagno@lawbbh.com'
Cc: Rudyard Whyte; Eva Galchenko; 'Anthony DuBartell'; Stephanie Moreno
Subject: Barker v. Doyle - 23-cv-8352
Attachments: Stipulation re Substitution - Barker v. Doyle.docx

Good afternoon, Mr. Carcagno:

Please see our proposed stipulation to substitute parties in the above-referenced matter. Please let us know if you have any proposed edits. Thank you for your attention to this matter.

Best,

Evan Solomon (he/him)
Paralegal
The Cochran Firm
55 Broadway, 23rd Floor
New York, NY 10006
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F: 212-227-8762
esolomon@cochranfirmny.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THOMAS BARKER

Plaintiff,

-against-

GARY P. DOYLE,

Defendant.
-----X

Case No.: 23-cv-8352

**STIPULATION –
SUBSTITUTION OF
PARTIES**

WHEREAS Defendant Gary P. Doyle passed away in or about February of 2025; and

WHEREAS on or about May 13, 2025, the Surrogate's Court of the State of New York, Dutchess County issued Letters of Administration to Defendant Gary P. Doyle's Brother, Mr. Christopher M. Doyle;

IT IS HEREBY STIPULATED AND AGREED by the counsel for the undersigned parties:

1. That Christopher M. Doyle, as Administrator of the Estate of Gary P. Doyle be substituted as Defendant in this matter in the stead of Gary P. Doyle; and
2. That the caption of this matter be amended to appear as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THOMAS BARKER

Plaintiff,

-against-

CHRISTOPHER M. DOYLE as Administrator of the
Estate of GARY P. DOYLE,

Defendant.
-----X

and;

3. That pursuant to Fed. R. Civ. P. 4(d), Christopher M. Doyle, as Administrator of the Estate of Gary P. Doyle, waives service of the Amended Complaint in this matter; and

IT IS FURTHER STIPULATED AND AGREED that for the purposes of this stipulation, electronic and electronically transmitted signatures shall be deemed as original; and

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one and the same agreement.

Dated: June XX, 2025
New York, NY

/s/ Rudyard F. Whyte
Rudyard F. Whyte, Esq.
The Cochran Firm
55 Broadway, 23rd Floor
New York, NY 10006
T: (212) 553-9215
rwhyte@cochranfirmny.com
Counsel for Thomas Barker

Joseph Carcagno, Esq.
Brooks & Berne, PLLC
570 Taxter Road, Suite 550
Elmsford, NY 10523
T: (914) 364-2691
Joseph.Carcagno@lawbbh.com
*Counsel for Gary P. Doyle and
Christopher M. Doyle*

So Ordered:

Hon. Cathy Seibel, U.S.D.J.

Dated: _____

Evan Solomon

From: Joseph Carcagno <Joseph.Carcagno@lawbbh.com>
Sent: Monday, June 16, 2025 3:52 PM
To: Evan Solomon
Cc: Rudyard Whyte; Stephanie Moreno; Jorge Franco
Subject: Re: Barker v. Doyle - 23-cv-8352

Counselor,

As you are aware, this office no longer represents Gary Doyle as he is deceased; this office intends to appear for the administrator Christopher Doyle as soon as he is made a party to the action.

As you are looking for a waiver of service of the amended summons and complaint, please forward a copy of it and we will contact Christopher Doyle with the request that he waive service pursuant to Fed. R. Civ. P. 4(d) and allow us to appear on his behalf.

Let me know if you have any questions.

Thank you.

Joseph J. Carcagno, Esq.
Brooks & Berne, PLLC
Attorneys at Law
Partner
Office: 914-364-2691
Direct: 201-638-2538
Email: joseph.carcagno@lawbbh.com
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NAMWOLF
LAW FIRM MEMBER



BROOKS & BERNE
PLLC

570 Taxter Road, Ste 550, Elmsford, NY 10523 | 165 Broadway, 23rd Floor, New York, NY 10006 | 625 Broad Street, Ste 240, Newark, NJ 07102 | Northpoint Center East 4th Floor, Alpharetta, GA 30022

From: Evan Solomon <esolomon@cochranfirmny.com>
Sent: Monday, June 16, 2025 3:05 PM
To: Joseph Carcagno <Joseph.Carcagno@lawbbh.com>
Cc: Rudyard Whyte <rwhyte@cochranfirmny.com>; Eva Galchenko <eva.galchenko@lawbbh.com>; Anthony DuBartell <anthony.dubartell@lawbbh.com>; Stephanie Moreno <stephanie.moreno@lawbbh.com>
Subject: Barker v. Doyle - 23-cv-8352

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon, Mr. Carcagno:

Please see our proposed stipulation to substitute parties in the above-referenced matter. Please let us know if you have any proposed edits. Thank you for your attention to this matter.

Best,

Evan Solomon (he/him)
Paralegal
The Cochran Firm
55 Broadway, 23rd Floor
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F: 212-227-8762
esolomon@cochranfirmny.com

At a term of the Surrogate's Court of the
State of New York held in and for the
County of Dutchess at Poughkeepsie, New
York

PRESENT: Hon. Michael G. Hayes, Surrogate

**Administration Proceeding, Estate of
Gary P. Doyle**

aka Gary Philip Doyle

Deceased.

**DECREE GRANTING
LETTERS OF ADMINISTRATION**

File No. 2025-397

A verified petition having been filed by Christopher M Doyle praying that administration of the goods, chattels and credits of the above-named decedent be granted to Christopher M Doyle and all persons named in such petition, required to be cited, having been cited to show cause why such relief should not be granted, have either failed to appear in response to a served citation or having waived the issuance of such citation and consented thereto; and it appearing that Christopher M Doyle is in all respects competent to act as administrator of the estate of said deceased; now it is

ORDERED AND DECREED, that Letters of Administration issue to Christopher M Doyle upon proper qualification and the filing of a bond be and hereby is dispensed with.

DATED:

May 13, 2025



Michael G. Hayes
Surrogate

DUTCHESS COUNTY
SURROGATE'S COURT
MAY 13 2025
FILED AND ENTERED

At a Surrogate's Court of the State of New York held in and for the County of Dutchess at Poughkeepsie, New York.

PRESENT: Honorable Michael G. Hayes, Surrogate
In the Matter of the Estate of
Gary P. Doyle
aka Gary Philip Doyle

Decedent.

DECISION
ADMINISTRATION

File# 2025-397

In this application for the issuance of Letters of Administration, the petitioner has demonstrated eligibility therein. There being no appearances in opposition, the Petition is granted.

Decree signed.

Dated: *May 13, 2025*



Michael G. Hayes, Surrogate
Dutchess County Surrogate's Court

DUTCHESS COUNTY
SURROGATE'S COURT
MAY 13 2025
FILED AND ENTERED